

1

2

3

4

5

6

7

8

## UNITED STATES DISTRICT COURT

9

## SOUTHERN DISTRICT OF CALIFORNIA

10

11       EXCEPTIONAL INNOVATIONS, LLC,,     ) Civil No. 07-2041-LAB(LSP)  
12    ) )  
13    ) Plaintiff,                                  )  
14    ) ) ORDER FOLLOWING EARLY NEUTRAL  
15    ) EVALUATION CONFERENCE AND  
16    ) SETTLEMENT CONFERENCES,  
17    ) SETTING RULE 26 COMPLIANCE AND  
18    ) NOTICE OF CASE MANAGEMENT  
19    ) CONFERENCE  
20    ) )  
21    ) )  
22    ) On January 15, February 13 and February 19, 2008, the Court  
23    ) convened an Early Neutral Evaluation Conference (ENE) and Settlement  
24    ) Conferences in the above-entitled action. Appearng were Jeffrey  
25    ) Wertheimer on behalf of plaintiff and Norman Smith and Elizabeth  
26    ) Mitchell on behalf of defendants.  
27    ) Settlement of the case could not be reached at the ENE and  
28    ) Settlement Conferences. Therefore, the Court discussed compliance  
  ) with Federal Rule of Civil Procedure, Rule 26. Based thereon, the  
  ) court issues the following orders:  
  ) 1. Any objections made to initial disclosure pursuant to  
  ) Federal Rule of Civil Procedure, Rule 26(a)(1)(A-D) are overruled,  
  ) and the parties are ordered to proceed with the initial disclosure

16

17

18

19

20

21

22

23

24

25

26

27

28

1 process. Any further objections to initial disclosure will be  
2 resolved as required by Rule 26.

3 2. The Rule 26(f) conference shall be completed before  
4 March 14, 2008;

5 3. The date of initial disclosure pursuant to Rule  
6 26(a)(1)(A-D) shall occur before March 24, 2008;

7 4. A discovery plan shall be lodged with Magistrate Judge  
8 Papas on or before March 24, 2008; and,

9 5. A Case Management Conference, pursuant to Federal Rule  
10 of Civil Procedure 16(b) shall be held on April 1, 2008, at 8:30 AM,  
11 in the chambers of Magistrate Judge Leo S. Papas. Counsel may  
12 participate by telephone conference call. The Court will initiate  
13 the conference call.

14 Failure of any counsel or party to comply with this Order  
15 will result in the imposition of sanctions.

16 IT IS SO ORDERED.

17

18 DATED: February 19, 2008

19  
20  
21 Hon. Leo S. Papas  
U.S. Magistrate Judge

22

23

24

25

26

27

28